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Paper No. 8

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In re Application of: Meyer et al.)
Application No. 09/595,533) **DECISION ON PETITION TO**
Attorney Docket No. 10826-07) **MAKE SPECIAL UNDER 37 C.F.R.**
Filed: June 16, 2000) **§1.102 and M.P.E.P. §708.02(II)**
For: SYSTEM, COMPUTER PRODUCT)
AND METHOD FOR PROVIDING)
A PRIVATE COMMUNICATION)
PORTAL)

This decision is in response to the communication filed November 20, 2002, which is being treated as a petition under 37 CFR §1.102(d), requesting to make special of the above-identified application in view of M.P.E.P. §708.02(II): Infringement.

The petition is **GRANTED**.

M.P.E.P. §708.02, Section II, which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d), states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

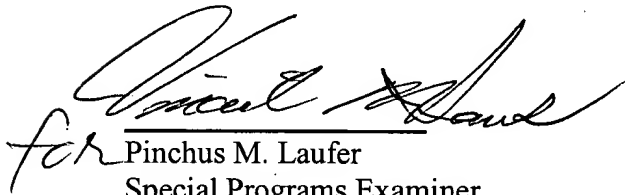
Subject to a requirement for a further showing as may be necessitated by the facts of a particular case, an application may be made special because of actual infringement (but not for prospective infringement) upon payment of the fee under 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office alleging:

- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record. Models or specimens of the infringing product or that of the application should not be submitted unless requested.

In support for the petition, Petitioners provide with a declaration of Andrew Cheung, one of the inventors, and in that has (1) identified an infringing product actually on the market or method in use that is "GoToMyPc" (Statements Nos. 6 & 7); (2) provided a rigid comparison of the alleged infringing product and/or method with the claims of the instant application (Statements Nos. 7 & 8); (3) indicated that a careful and thorough search of the prior art with a good knowledge of the pertinent prior art have been made; and (4) a statement has been made to concluded that such method steps of the identified-above product are provided substantially in the same manner as described in the instant application.

Accordingly, the Petition is **GRANTED**. The application file is being forwarded to the Examiner of record for accelerated examination according to the procedure set forth in M.P.E.P. §708.02, Section II.

A handwritten signature in cursive script, appearing to read "Pinchus M. Laufer", is written over a horizontal line.

Pinchus M. Laufer
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TQD